



## ***Environmental Planning Commission***

***Agenda Number: 3  
Project Number: 1002125  
Case Number(s): 09EPC-40062  
December 17, 2009***

### ***Staff Report***

<b><i>Agent</i></b>	Berger Briggs
<b><i>Applicant</i></b>	Santa Fe Archdiocesan Council of Society of St. Vincent de Paul
<b><i>Request(s)</i></b>	<b>Sector Development Plan Map Amendment</b>
<b><i>Legal Description</i></b>	Lot 20A, Block 44, Raynolds Addition
<b><i>Location</i></b>	Northeast corner of 14 <sup>th</sup> Street and Iron Ave. SW
<b><i>Size</i></b>	Approximately 0.5 acres
<b><i>Existing Zoning</i></b>	SU-2/SU-1 for Furniture/Retail
<b><i>Proposed Zoning</i></b>	SU-2/SU-1 for Furniture/Retail and limited O-1 uses

### ***Staff Recommendation***

***APPROVAL of 09EPC-40062, based on the  
Findings beginning on Page 16, and subject to  
the Conditions of Approval beginning on Page  
19.***

***Staff Planner***

***Carol Toffaleti, Planner***

### ***Summary of Analysis***

The request is a zone change to add limited O-1 uses to the existing SU-2/SU-1 for Furniture/Retail zoning, for lot 20-A, Block 44, Raynolds Addition, a 0.5 acre site at the northeast corner of 14<sup>th</sup> St. and Iron Ave. SW. The proposed uses are a church and a reduced area of furniture warehousing and retail. A site development plan was approved for the site in 2002. No change to the premises is proposed.

The site is in the Central Urban and Established Urban Areas of the Comprehensive Plan and within the Barelás sector development plan area. The change is in accordance with a preponderance of applicable goals and policies in these plans.

The applicant provided an acceptable justification for the change per R-270-1980. The additional uses are all permissive in the O-1 zone, except that dwelling units can constitute up to 60% of the premises. They are acceptable to the Barelás neighborhood association, whose only outstanding concern is adequate off-street parking for the church use.

There is no known opposition. Staff recommends approval, subject to approval of an updated site development plan.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 11/9/2009 to 11/25/2009.  
Agency comments used in the preparation of this report begin on Page 18.

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**AREA CHARACTERISTICS AND ZONING HISTORY**

***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	SU-2/SU-1 for Furniture/Retail	Central Urban and Established Urban Areas; Barelas sector development plan	storage and retail sales of used furniture
<b><i>North</i></b>	(public alley) SU-2/R-2	same	multi-family and single-family residential
<b><i>South</i></b>	(Iron Ave.) SU-2/R-T	same	offices, single family residential
<b><i>East</i></b>	SU-2/R-2	same	multi-family residential
<b><i>West</i></b>	(14 <sup>th</sup> Street) SU-2/O-1	same	office, live/work units

***Background***

The request is a sector development plan map amendment to add limited O-1 uses to the existing zoning of SU-2/SU-1 for furniture/retail on Lot 20-A, Block 44, Raynolds Addition, a site of approximately 0.489 acres located at the northeast corner of Iron Ave. and 14<sup>th</sup> Street.

The applicant is a charity that has been storing and selling used furniture on the site for several years. Their main store in the neighborhood is on 4<sup>th</sup> Street, which is a more central location and has better visibility. In recent years, the applicant has been using the subject site primarily for storage rather than retail purposes. The zone change would allow them to lease part of the premises for other uses, and possibly sell it outright at a future date. There is interest from potential tenants/buyers for a church and related meeting space. The previously approved site development plan and landscape plan accompany the request.

Since the original submittal, the applicant has clarified and amended the requested zone in response to city department comments and concerns of the neighborhood association. Because the current request is narrower than what was advertized by the city in late November, "SU-2/SU-1 for Furniture/Retail and O-1 uses", this does not prejudice the validity of the process or the EPC's action on the case. The additional uses from the O-1 zone are limited to:

- Beauty shop, barber shop
- Church, or other place of worship, and incidental uses, excluding emergency shelters, homeless services and facilities [Note: Code Enforcement have requested the addition of "emergency shelters" for clarity]
- Community residential program, excluding community residential corrections or substance abusers program

- Dwelling units constituting up to 60% of the Gross Floor Area on the premises, with open space as regulated in the O-1 zone
- Incidental uses within a building, as regulated in the O-1 zone
- Institution, as regulated in the O-1 zone
- Medical supplies and services
- Office
- Photocopy, photography studio, except adult photo studio
- On-premise sign, as regulated in the O-1 zone

The site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan, and within the boundaries of the Barelás sector development plan.

### ***History***

The property remained undeveloped until 1970, when the zoning was changed from O-1 to C-1 on appeal (Z-70-83/Appeal 70-15) and a convenience store was built on the site. Several subsequent zoning actions relate to the subject site, but it has always been in non-residential use or the premises have been vacant:

- In 1981, the site was rezoned to HDA High Density Apartments through an amendment to the Barelás sector development plan.
- A conditional use for a boxing club was approved in 1981 (ZA-81-86).
- In 1983, the site was rezoned to SU-2/MFR Multi-Family Residential.
- In 1989, it was rezoned to SU-2/O-1 (SD-76-5-2/Z-89-48, att.).
- The current SU-2/SU-1 for Furniture/Retail zoning was established with adoption of the 1993 Barelás sector development plan.

In 2002, the EPC approved a site development plan for building permit amendment to allow expansion of the storage facility on the site and create a retail area (#1002125, 02EPC-01157, 9/19/2002). The fencing, circulation, parking and landscaping were also improved as part of the project.

The Barelás sector development plan adopted in 2008 maintained the existing zoning of the site and surrounding properties--SU-2/R-2 zoning to the north and east; SU-2/R-T along the south side of Iron Ave. extending east; SU-2/Park to the southwest; and a block of SU-2/O-1 to the west.

The first three lots in the block south of the site were rezoned from SU-2/TH to SU-2/Office/Institutional in 1984 (Z-84-118, 11/5/1984). Although rezoned for SU-2/R-T in the 1993 sector plan, they are still being used as offices by the NM BioPark Society.

### ***Context***

To the north is a two-story apartment building zoned SU-2/R-2. To the south, across Iron Ave. is an office use adjacent to single family homes, all zoned SU-2/R-T. To the east are detached dwellings zoned SU-2/R-2. To the west across 14<sup>th</sup> Street is a building, which the applicant says was refurbished into live/work units. The rest of the block to the west contains offices and a broadcasting station, zoned SU-2/SU-1 for O-1. In summary, the site lies between a residential neighborhood, a pocket of commercial uses and a large city property along the river containing a public pool and the zoo.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG) in 2004, identifies the functional classifications of roadways.

The LRRS designates Coal, Lead and Alcalde near the subject site as urban collectors, but they are designated minor arterials in the Current Roadway Functional Classification System in the Metropolitan Transportation Plan (2007, MRCOG).

Iron Ave. is a major local street, with a right-of-way of 60'. 14<sup>th</sup> Street is a local street with an existing right-of-way of approximately 52'.

The Long Range Bicycle Plan designates proposed bike routes on 13<sup>th</sup>, Coal, Lead and Alcalde. However, the City's 2009 Bicycle Map only identifies Iron Ave. as an existing bicycle route.

### ***Public Facilities/Community Services***

ABQ Ride: the #53 Isleta runs Monday to Saturday from morning to evening on 8<sup>th</sup> Street, approximately 1/4 mile from the site; the #54 Bridge/Westgate and #66 Central and #766 Rapid Ride operate on 6<sup>th</sup> Street and Central respectively, approximately 1/2 mile from the site.

The Rio Grande pool, the City Zoo, the Barelás Community Center and Senior Center, Fire Station 1, Washington Middle School, and Dolores Gonzales and Coronado Elementary Schools are within 1/2 mile of the site.

## ***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

### ***Albuquerque Comprehensive Zoning Code***

The request is for SU-2/SU-1 for Furniture/Retail and limited O-1 uses.

SU-2 refers to the fact the site is located within the Barelás sector development plan which established Special Neighborhood Zoning throughout the plan area (14-16-2-23).

The request maintains the SU-1 Special Use zoning (14-16-2-22, att.) This zone requires approval of a site development plan. The applicant is not proposing any changes to the existing buildings on the site. Nevertheless, the previously approved site development plan will need to be updated to reflect the new zoning and proposed uses.

The request alters the descriptor by adding limited O-1 uses to Furniture/Retail. The limited uses consist of 10 of the 18 permissive uses in the O-1 zone with two differences: homeless services and facilities are excluded as incidental uses of a church, and dwelling units can constitute up to 60% of the gross floor area on the premises. This percentage is the maximum allowed as a conditional, rather than a permissive use in the zone. The new descriptor would permit the proposed church use. The applicant is asking for the exclusion of homeless services and facilities in response to concerns from the Barelás neighborhood association. Other types of incidental uses, such as social or educational activities related to the church, would be allowed. The opinion of City Legal Staff is that incidental uses to a permissive use can be excluded from an SU-1 zone and that this applies to the subject request. As an example, legal staff pointed to restrictions on incidental uses listed in (A)(7) of the O-1 zone.

#### **Albuquerque / Bernalillo County Comprehensive Plan**

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The subject site is located in the area designated *Established Urban* by the Comprehensive Plan with a Goal to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

***The request would broaden the range of land uses allowed on the site and thereby offer greater variety and choice of work areas and lifestyles in the neighborhood. It is consistent with the goal.***

Applicable policies include:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

***The request allows a wider range of land uses on the site than the current zoning. The additional O-1 uses, including dwelling units in a portion of the premises, may slightly increase the residential density in the area. The request furthers the policy.***

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

***The request to amend the SU-1 zoning of the site respects existing neighborhood values by maintaining site plan control over development and adding O-1 uses that are already established in this part of Barelás. The site was previously developed with buildings, off-street parking and landscaping that the applicant has said will remain. The request is consistent with the policy.***

Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

*The commercial use of the site for retail and warehousing of furniture is already established on the site, which is located at the boundary between residential to the north and east, and office and recreational uses to the west and southwest. The proposed addition of limited O-1 uses, including a church and related meeting space, would complement the residential neighborhood and not have significant adverse effects on adjacent residential properties. Although it may increase the amount of vehicular traffic, the decrease in warehousing activity will reduce truck traffic on residential streets. The request is consistent with the policy.*

#### *Central Urban Area*

The Goal is to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.

*The requested zoning includes institutional uses that may provide arts, cultural and public facilities. The proposed church use is community-oriented and is compatible with Barelás and adjacent residential neighborhoods in the historic center of the city. The request is consistent with the goal.*

#### *Air Quality*

Goal: To improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

Possible technique: 2) Encourage mixed use and infill development, where appropriate, which integrates residential, commercial and industrial uses for a better employment-housing balance.

#### *Transportation and Transit*

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

*The addition of selected O-1 uses to the site allows mixed use infill development that results in a fairly efficient placement of employment and services. The site is at the edge of some of the denser residential neighborhoods in the city, which have a mix of single and multi-family homes. It has relatively good access on foot, by bicycle and by car. The closest bus stops on Central Ave. and 8<sup>th</sup> Street are ½ mile away. The zone change is consistent with the Air Quality goal and policy, and the Transportation and Transit goal.*

#### *Economic Development*

Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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*The additional uses would help diversify economic use of the property, while retention of the over-arching SU-1 zoning maintains site plan control, which can reflect other important goals of the surrounding neighborhood. The zone change furthers the goal.*

**Water Conservation/Green Principles**

*Water Management*

Goal: Efficient water management and use.

*The request does not entail a change to the existing landscaping of the site, which was approved in 2002 after the City adopted the Water Conservation Landscaping and Water Waste Ordinance (Ord. 18-1995, see 6-1-1-1). The zone change request does not conflict with the goal.*

*Energy Management*

Goal: To maintain an adequate, economical supply of energy through energy management techniques and use of alternate and renewable energy sources.

Policy II.D.3a: Use of energy management techniques shall be encouraged.

*The request is to add limited O-1 uses to the current SU-1 zoning without changing the building envelope, which would allow both re-use and more intensive use of the existing premises. This would be more energy-efficient than new construction. The request is consistent with the goal and policy.*

**Barelas sector development plan (Rank III)**

A sector development plan for the Barelas neighborhood was first adopted in 1976 and updated in 1993. In April 2008, the plan was repealed, with the exception of Enactment No. 55-2002 (R-01-281) concerning commercial parking lots, and a new plan was adopted. The Plan generally encompasses properties between Alcalde Place and Coal Ave. SW on the North, Commercial Street on the East, Avenida Cesar Chavez on the South, and the Albuquerque Riverside Drain on the West. Specific boundaries are shown in Figure 1, p. 4.

The subject site is located in the northwest corner of the sector plan area, at the west boundary of the Coal Corridor residential area. It is one of the scattered commercial sites in the plan area and contains three structures that were built at different times. Because they are next to each other, they appear to be one building.

Stabilization, preservation, development and revitalization are the overarching goals of the plan (p. 3). Goals and policies for five main planning topics, including land use and zoning, are set out in Section B. Goals, Policies and Recommended Actions beginning on p. 51. In addition to policies and regulations, the plan contains design guidelines and recommendations for capital improvements, and for enhancing publicly-funded programs.

Applicable elements of the plan include:

*III The Plan*

*B. Goals, Policies and Recommended Actions*

*1. Land Use and Zoning (p. 52)*

The Goal is to create land uses and zoning in Barelás that are compatible with its function as a residential urban neighborhood, respect its historic significance, and help foster a sense of community.

***The addition of limited O-1 uses, including selected low-intensity commercial, office, institutional and residential uses, is compatible with Barelás' function as a residential urban neighborhood. The proposed church use would help foster a sense of community in the area. The zone change is consistent with the goal.***

The existing SU-2 zoning across the sector plan area was maintained in the new plan, Some areas were rezoned with new descriptors to facilitate development of single family homes on 25 ft. lots and of accessory dwellings, and to create a Warehouse District zone and a Historic Locomotive Shops zone to foster re-use and redevelopment of manufacturing and rail-related properties.

This section does not contain policies or zone changes that apply to the request.

*3. Transportation (p. 57)*

Parking

The Goal is to provide safe and adequate parking for local facilities without disrupting the neighborhood.

***Note that the SU-1 zone gives the EPC discretion to approve the quantity of parking on a site development plan. The requested zoning and the proposed church use are associated with different parking demand than the current uses for furniture retail/warehousing. Full use of the site as office, for example, is likely to generate the highest parking requirement per general zoning regulations (approx. 33 spaces, based on 85% net leasable area). This is more than could be accommodated in the existing off-street parking which has 15 spaces.***

***However, the parking demand for the proposed church and furniture warehousing would be complementary, as they operate at different times of the day and week. One prospective tenant for the church use proposes seating for 100, although they expect a maximum of 60 congregants for worship on most Sundays. 100 seats would require 25 parking spaces, per off-street parking requirements in the Zoning Code, whereas parking for 60 seats is provided on the site. The applicant discussed the issue with the City's Transportation Development staff recently, who estimated that 3 spaces could be added to the parking area. 18 spaces would correspond to maximum seating of 72 for the church. On-street parking is also allowed on 14<sup>th</sup> and Iron, and there may be an opportunity to share parking with adjacent properties, such as the City's Rio Grande Pool via a signed agreement. In summer 2009, this outdoor pool was open Monday to Friday 11 am to 5 pm, and Noon to 5 pm on week-ends, which is fairly complementary with evening and Sunday morning demand generated by a church.***



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*Based on the proposed church as a stand-alone use or in combination with furniture warehousing, staff finds that adequate parking could be accommodated on the site if the number of seats is limited on the future site development plan and/or a shared parking agreement is signed with an adjacent property-owner per 14-16-3-1(E)(1)(b).*

**Whether the zoning request accords with the goal is dependent on the future site development plan demonstrating that adequate off-street parking is provided for the proposed uses, either entirely on site or supplemented through a shared parking agreement with an adjacent property-owner.**

4. Public Safety, Social Services, and Community Facilities (p. 62)

Public Safety

The Goal is to improve public safety in Barelás by reducing crime.

*The change would allow a church and other O-1 uses on the site. These would create more activity in this part of the neighborhood than the current narrow zoning and may improve public safety. The request is consistent with the goal.*

4.1 Public Safety Policies

P2. The City shall work with homeless shelters in Barelás to find ways to mitigate the negative impact of these services on the neighborhood, while encouraging their eventual relocation outside of Barelás.

4.2.1 Regulations

4.2.1.a Homeless shelter expansion. Do not allow an increase in the number of homeless service facilities in Barelás...

*The applicant wishes to exclude services and facilities for the homeless as a permissive use, in response to the Barelás neighborhood association's concern. The request furthers the policy and regulation.*

Community Facilities

The Goal is to maintain and improve existing community facilities in Barelás and ensure accessibility to Barelás residents.

The Barelás neighborhood is home to several City amenities,...as well as other facilities that primarily service the neighborhood, such as the Barelás Community Center...and area churches and temples. It is important to maintain and improve these facilities for their continued viability in the neighborhood.

*The applicant is marketing the site primarily for a church, although the proposed zone retains the furniture/retail use and adds the possibility of other community-oriented O-1 uses, such as community residential programs and institutions. If the future site development plan identifies church as the proposed use, it would further this goal. The zone change is consistent with the goal.*

No policy or regulation applies to the request.

*C. Plan Implementation (p. 68)*

This section includes zoning revisions to the 1993 plan.

*1. Adopted Zoning and Design Guidelines*

*Adopted Zoning Amendments*

The plan did not change existing SU-2/SU-1 zones (see Adopted Zoning Map, Figure 36, p. 71) or impose new regulations or guidelines on SU-1 zones, including the subject site. The plan states “For all zones, the General Provisions of the City Zoning Code and all other provisions of the code that are common to all districts will apply...”

***This confirms that the SU-1 zone and general zoning regulations of the Zoning Code apply to the site.***

**Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

In addition to the application letter, the applicant submitted a supplemental justification for the zone change dated November 24, 2009. These did not reflect later amendments to the zoning request agreed with the Barelás neighborhood association, which further restricted the permitted O-1 uses on the site. Additional information was also supplied by the applicant in a letter dated December 2, 2009.

A summary of the applicant’s justification is in regular text; ***staff analysis is in bold italics.***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The zone change would allow new uses in the existing building and not require significant changes to the property. The proposed O-1 uses are less intensive than the retail use currently permitted on the site and are consistent with the surrounding land uses, thereby promoting the health, safety and general welfare of the neighborhood, community and city.

***Staff concurs and adds that the request does not place a burden on public services and facilities.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed O-1 uses have a low impact and are compatible with the O-1 uses on properties to the west and south and with the Rio Grande public pool.

***Staff agrees that the change would not destabilize land use and zoning in the area. (See end of analysis for whether staff considers the applicant's justification adequate overall.)***

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The proposed change is not in conflict with City plans and policies. It furthers the following elements of the Comprehensive Plan:

- The goal of the Established Urban Area (EUA) - The request involves utilizing an existing building, which is attractive and relatively new; and the proposed use as a church will enhance the educational, social and community-building features available in the area.
- EUA Policy a - The request perpetuates the range of commercial and residential land uses that already exist in the area, and will also provide a transition between residential uses to the north and east, and commercial uses to the west and southwest.
- EUA Policy d - The proposal will better utilize an existing building and create a use that respects existing neighborhood values and buffers residents from the more intensive commercial uses to the west.
- EUA Policy i - The change would reduce the potential impact on the residential neighborhood by allowing less intensive employment and service uses to occur than the existing retail zoning. The property is within easy walking and bicycling access from the immediate neighborhood and has access to mass transit.
- Central Urban Area goal - The change allows the proposed church use, which will contribute cultural and public activities to the neighborhood.
- Air Quality Policy b - The request encourages mixed use and infill development within walking distance of the Barelás, Reynolds and Huning Castle neighborhoods.

The zone change also furthers the Barelás sector development plan:

- Land Use & Zoning Goal - The change would allow office and institutional uses in the existing building that are compatible with surrounding properties. The proposed church use, by offering social and recreational programs, religious education and worship, helps foster a sense of community.
- Public Safety Goal and policy P1 - A church, which is the proposed use in the expanded zone, would promote safety in the neighborhood by increasing activity in an

underutilized building, and by providing a positive force in the neighborhood through social and recreational programs and religious education.

***Staff generally agrees. In addition, the request is consistent with the Transportation and Transit and the Economic Development goals of the Comprehensive Plan and does not conflict with its goals for Water and Energy Management, as discussed on p. 5 of this staff report. Exclusion of homeless services and facilities incidental to a church is consistent with regulation 4.2.1.a in the Barelás sector development plan. The applicant is considering ways to address the parking implications of the proposed church use.***

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The requested zoning is more appropriate than the existing zoning due to changed conditions. The property was originally developed as a convenience store, but the viability of the site for solely a retail use was diminished after the city restricted traffic movements through the neighborhood between Tingley and Central due to neighborhood complaints. The change allows less intensive uses of the property, such as a church, that make it compatible with the surrounding zoning and land uses.

***Staff agrees. In addition, the broader range of uses proposed by the applicant is more advantageous to the community as articulated in planning goals and policies cited under Section C.***

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The applicant requests a zoning that excludes homeless outreach services and shelter, that can be incidental to a church, as well as other permissive uses in the O-1 zone, which the surrounding neighborhood considers harmful. A free-standing sign on a location that sees little through-traffic would not be financially viable.

***Staff agrees that the addition of limited O-1 uses to the existing zoning would not be harmful to adjacent property, the neighborhood or the community.***

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The zone change will not require any capital improvement by the City.

***Staff concurs.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The cost of land is not a consideration in the request.

***Staff agrees. Other economic considerations pertaining to the applicant are likely a factor, but not the determining factor, for the zone change.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The subject property is not located on a collector or major street.

***Staff agrees.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

SU-1 zones are considered spot zones. The request is to maintain the existing SU-1 status, but the addition of O-1 uses to furniture/retail makes the property conform better to surrounding zoning and land uses. Keeping the SU-1 status also allows maximum control over the use of the property, which prevents negative uses into the future.

***Staff agrees that the addition of O-1 uses, which includes office and residential as well as church uses, will make the zoning more compatible with surrounding zoning. Maintaining the overarching SU-1 zone provides both control and flexibility over any future development, so that it can be tailored to a specific permissive use of the zone and to the context of the site.***

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request is not a strip zone.

*Staff agrees.*

*In conclusion, staff considers that the applicant has provided an acceptable justification for the zone change.*

### ***ANALYSIS OF APPROVED SITE DEVELOPMENT PLAN RELATIVE TO THE ZONE CHANGE REQUEST***

The applicant supplied copies of the approved site development plan and landscape plan for informational purposes only, because the proposed church use and several other O-1 uses would not require new construction. Staff informed the applicant that an updated site plan would need to be approved at a later date per the SU-1 zoning, if the EPC approves the zone change (see the zoning analysis p. 3 of this report). The following analysis also reflects staff observations on the site visit (see photos att.).

#### ***Site Plan Layout and Existing Buildings***

The site is located on the northeast corner of 14<sup>th</sup> Street and Iron Ave and the development faces Iron Ave. The premises consist of two connecting buildings. The older building in the northeast corner of the site (2,652 gsf) is used for storage and has a covered loading area accessed from Iron Ave., but setback at a considerable distance from the street. The newer and larger building is tan stucco with blue trim and has a prominent entry at the southwest corner, which relates to both Iron and 14<sup>th</sup> Street. It was designed with a retail area (3,600 gsf) at the front and a storage area at the rear (1,521 gsf). The phase 2 storage area shown on the site development plan was never built. The existing square footage is approximately 7,773 sf, including 4,173 gsf of storage or warehousing.

A dumpster is located at the rear, in the northeast corner of the site and is accessed from a paved, public alley. The dumpster is parallel to the alley rather than at an angle, as shown on the site development plan.

#### ***Walls/Fences***

The site is enclosed by the building along the north boundary and part of the east boundary of the site, and by a blue wrought-iron fence around the rest of the perimeter, with rolling gates at the driveways.

#### ***Vehicular Access, Circulation and Parking***

Vehicular access into the parking and loading areas is at the front of the building, off Iron Ave. and 14<sup>th</sup> St. There is a smaller area next to the dumpster at the rear of the building, which is accessed from the alley. On a site visit, staff observed that the alley is the sole access to parking for the apartments north of the site and is probably well-used.

The parking and loading areas at the front of the site are paved. The 15 off-street spaces approved by the EPC in 2002 equal normal requirements of the Zoning Code (14-16-3-1 off-street parking regulations) and include a disabled space. The parking calculations were based on a portion being used for retailing and the rest for warehousing furniture. For the proposed church

with an estimated 100 seats, 25 parking spaces would normally be required. The applicant explained in their letter dated Dec. 2<sup>nd</sup> that additional spaces could be created at the front and rear of the site. This was also discussed at the facilitated meeting. Transportation Development staff have since advised the applicant that an estimated 3 car parking and a motorcycle space could be added at the front of the site. A revised parking layout would be reviewed by Transportation Development staff as part of the City's approval of a future "as built" site development plan.

### ***Pedestrian and Bicycle Access and Circulation***

Sidewalks exist on 14<sup>th</sup> and Iron, and there is a raised concrete walkway along the front of the newer building with a ramp at the east end for disabled access. A small bicycle stand is near the front entrance.

### ***Lighting and Security***

The site lighting is building-mounted and appears to comply with area lighting regulations.

### ***Landscaping***

Staff observed on the site visit that the landscaping does not correspond to the approved site development plan in some respects. For example, several trees along the west and south frontages are cottonwoods and no shrubs were apparent at the rear of the site. A condition is recommended to update the landscape plan to reflect the existing plantings and to bring the plan into compliance with zoning regulations, where it is deficient.

### ***Signage***

There are two building-mounted wall signs on the newer building (see Figures 4 and 9/10 in staff photos). These are not shown on the elevations (see att.).

If the EPC approves the zone change, staff considers that it would be acceptable to have an "as built" site development plan approved at a later date but within 6 months of the zoning action. Staff believes that the submittal should include:

- a site plan with the full zoning classification, the proposed use as a church (or a church and furniture storage), parking calculations for the proposed uses, and any additional off-street parking spaces shown on the plan.
- an updated landscape plan;
- and information on signage, in the form of a note on the site plan (e.g. per regulations of the O-1 zone) or elevations.

## ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

Comments begin on p. 21. There were no significant comments on the application.

***NEIGHBORHOOD/PUBLIC CONCERNS***

Property-owners within 100' and the Barelás Neighborhood Association were notified. The applicant met with the neighborhood association prior to submitting their application and a facilitated meeting also took place on December 2<sup>nd</sup> (see report att.). At the meeting, the applicant and neighborhood association agreed to a list of land uses for the new zoning, as analyzed in this report. Staff verified the list with the applicant. The issue of parking for the proposed church use was also discussed, but not resolved at the meeting. No written comments have been received and there is no known objection to the zone change.

***CONCLUSIONS***

Staff finds that the request is compatible with the zoning and land uses of adjacent properties and the surrounding neighborhood. It will allow a broader range of uses than the existing zoning, but change respects the character and values of the neighborhood. The zone change is consistent with a preponderance of applicable goals and policies of the Comprehensive Plan and the Barelás sector development plan, and the applicant provided an acceptable justification for the change per R-270-1980.

The overarching SU-1 zone requires approval of a site development plan. Although no change is proposed to the existing buildings on the site, the site development plan approved in 2002 by the EPC needs to be updated to reflect the new zoning and proposed uses on the site.

Staff recommends approval subject to conditions.



***FINDINGS – 09EPC-40062, December 17, 2009, Sector Development Plan Map Amendment***

1. The request is a sector development plan map amendment for Lot 20-A, Block 44, Raynolds Addition, a site of approximately 0.489 acres located at the northeast corner of Iron Ave. and 14<sup>th</sup> Street. The existing zoning of SU-2/SU-1 for furniture/retail would change to SU-2/SU-1 for furniture/retail and limited O-1 uses, specifically:
  - a. Beauty shop, barber shop
  - b. Church, or other place of worship, and incidental uses, excluding emergency shelters, homeless services and facilities
  - c. Community residential program, excluding community residential corrections or substance abusers program
  - d. Dwelling units constituting up to 60% of the Gross Floor Area on the premises, with open space as regulated in the O-1 zone
  - e. Incidental uses within a building, as regulated in the O-1 zone
  - f. Institution, as regulated in the O-1 zone
  - g. Medical supplies and services
  - h. Office
  - i. Photocopy, photography studio, except adult photo studio
  - j. On-premise sign, as regulated in the O-1 zone
2. The proposed uses are furniture/retail and church and incidental uses, excluding homeless services and facilities.
3. The proposed uses will be accommodated in the existing premises on the site, which correspond to the Phase I development shown in the approved site development plan (#1002125, 02EPC-01157, 9/20/2002, 02DRB-01611, 10/29/2002).
4. The site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan, and within the boundaries of the Barelás sector development plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Barelás sector development plan (2008) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following goals and policies of the Comprehensive Plan:

- a. Established Urban Area (EUA) goal and policy II.B.5.a - A wider variety of land uses would be allowed, including community residential programs, nursing home or dwelling units, which may increase the residential density in the area.
  - b. EUA policy II.B.5.d - The request to amend the SU-1 zoning of the site respects existing neighborhood values by maintaining site plan control over development and adding O-1 uses that are the same, or less intensive, than surrounding non-residential land uses and acceptable to the Barelás neighborhood association.
  - c. EUA Policy II.B.5.i - The addition of limited O-1 uses to Furniture/Retail complements the adjacent residential neighborhood and will not have significant adverse effects of noise, lighting, pollution and traffic on its environment.
  - d. Economic Development goal - The change helps diversify economic use of the property, while retention of the over-arching SU-1 zoning maintains site plan control, which can realize other important goals of the community.
7. The request is consistent with the following goals of the Comprehensive Plan:
- a. Central Urban Area Goal - The new zoning includes institutional uses that may provide arts, cultural and public facilities in the future, while the proposed church use is a community-oriented use, compatible with Barelás and adjacent residential neighborhoods in the historic center of the city.
  - b. Air Quality Goal and policy II.C.1.b, Transportation and Transit Goal - The addition of limited O-1 uses represents a fairly efficient placement of employment and service uses, because the site is located adjacent to residential neighborhoods near the city center, with reasonably good access by all modes of transportation.
  - c. Energy Management Goal and Policy II.D.3.a - The addition of limited O-1 uses allows re-use and more intensive use of the existing premises, which conserves energy.
8. The request furthers the following goals and policies of the Barelás sector development plan:
- a. Land Use and Zoning Goal - The addition of limited O-1 uses, including the proposed church, is compatible with Barelás' function as a residential urban neighborhood and would help foster a sense of community in the area.

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- b. Public Safety Policy P2 and Regulation 4.2.1.a - By excluding homeless services and facilities as an incidental use to a church, the proposed zone will clearly not contribute to an increase in these types of uses within Barelás.
  - c. Community Facilities Goal - It will allow institutions and the proposed church use, which helps ensure the accessibility of community facilities to Barelás residents.
9. It is not possible to determine whether “safe and adequate parking for local facilities” will be accommodated on the site given the range of uses that would be allowed in the proposed zone (Transportation/Parking goal of the Barelás sector development plan) Based on the proposed church as a stand-alone use or in combination with furniture warehousing, adequate parking could be accommodated on the site if the number of seats is limited on the future site development plan and/or a shared parking agreement is signed with an adjacent property-owner per 14-16-3-1(E)(1)(b).
10. The applicant provided an adequate justification for the zone change per R-270-1980, Sections A through J:
- A. The change is consistent with the health, safety and general welfare of the neighborhood, community and city, because the addition of limited O-1 uses to the existing SU-1 zone will not have a substantial adverse effect on the environment and public services and facilities.
  - B. The change will not destabilize land use and zoning in the area, because the additional O-1 uses are in the same zoning classification as properties to the west and are compatible with the mixed residential zoning and uses to the north, east and south.
  - C. The change is in accordance with a preponderance of applicable goals and policies of the Comprehensive Plan, including: the Established Urban Area goal and policies II.B.5.a, II.B.5.d, II.B.5.i; the Central Urban Area goal; the Air Quality goal and policy II.C.1.a; the Economic Development goal. The proposed land uses and zoning also further the Land Use and Zoning goal and the Public Safety goal and policy P2/regulation 4.2.1.a of the Barelás sector development plan.
  - D. The requested zoning is more appropriate than the existing zoning due to changed conditions. The viability of the site for solely a retail use was diminished after the city restricted traffic movements through the neighborhood. The change allows less intensive O-1 uses of the property, such as a church, that also make it compatible with the surrounding zoning and land uses, including the residential neighborhood.
  - E. The limited O-1 uses being added to the existing zoning were selected specifically to avoid harm to adjacent property, the neighborhood or the community.

- F. The zone change will not require any capital improvement by the City.
  - G. The cost of land is not a consideration, and other economic considerations pertaining to the applicant are not the determining factor for the zone change.
  - H. The subject property is not located on a collector or major street
  - I. SU-1 zones are considered spot zones by the city. The addition of limited O-1 uses makes the existing SU-1 zone conform better with surrounding land uses and zoning. It will act as a transition between the residential area to the north and east, and the O-1 and recreational uses to the west and southwest.
  - J. The request does not constitute a strip zone.
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- 11. Although no new development is anticipated on the site, the SU-1 zoning requires approval of a site development plan (14-16-2-22 (A)(1)). It may be an “as built” site development plan, but it must be updated to reflect the amended zoning and land uses.
  - 12. Property-owners within 100' and the Barelás Neighborhood Association (NA) were notified. A facilitated meeting took place on December 2, 2009. The applicant and neighborhood association came up with a list of limited O-1 uses acceptable to both parties. Concerns were expressed about the adequacy of off-street parking for the proposed church use, but there is no known objection to the zone change.

***RECOMMENDATION - 09EPC-40062, December 17, 2009***

**APPROVAL of 09EPC-40062, a Sector Development Plan Map Amendment, for Lot 20-A, Block 44, Raynolds Addition, from SU-2/SU-1 for Furniture/Retail to SU-2/SU-1 for Furniture/Retail and limited O-1 uses, based on the preceding Findings and subject to the following Condition of Approval.**

***CONDITION OF APPROVAL - 09EPC-40062, December 17, 2009, Sector Development Plan Map Amendment***

- 1. Approval of a site development plan within 6 months. Approval is delegated to staff via an administrative amendment, if the site development plan is “as built”.

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2. An “as built” site development plan shall consist at minimum of the previously approved site development plan (#1002125, 02EPC-01157, 02DRB-01611), updated to include: the new zoning (including the list of additional O-1 uses); the proposed uses; adequate off-street parking, as per Zoning Code §14-16-3-1, that is provided on the site or supplemented through a shared parking agreement with an adjacent property-owner; and landscaping that reflects existing plantings and meets 14-16-3-10 of the Zoning Code.
- 

***Carol Toffaleti***  
***Planner***

cc: St. Vincent de Paul Society, 714 4<sup>th</sup> Street SW, Albuquerque, NM 87102  
Berger Briggs, 4333 Pan American Freeway NE, Albuquerque, NM 87107  
Javier Benavidez, Barelax N.A., 1115 Barelax SW, Albuquerque, NM 87102  
Dorothy Chavez, Barelax N.A., 612 10<sup>th</sup> St. SW, Albuquerque, NM 87102

***Attachments***

SD-76-5-2/Z-89-48: EPC Notice of Decision, Certificate of Zoning  
#1002125, 02EPC-01157, 9/19/2002: EPC Notice of Decision, Elevations  
§14-16-2-22 SU-1 zone  
§14-16-2-15 O-1 zone  
R-270-1980

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### **Zoning Code Services**

The SU-2 designation should remain in the Zone description. SU-2 SU-1 for ....

#### **Office of Neighborhood Coordination**

Barelas NA (R)

No Coalition notified - siw

11/9/09 – Recommended for facilitation – siw

11/9/09 – Assigned to Mark Scheinbaum – sdb

Facilitated Meeting scheduled for 12/2/09 from 5:15 pm to 7 pm at the Barelas Community Center, 801 Barelas Rd. SW – siw

#### **Long Range Planning**

No comments received.

### ***CITY ENGINEER***

#### **Transportation Development Services**

- Reviewed, no comments.

#### **Hydrology**

- The Hydrology Section has no objection to the zone map amendment.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### **Transportation Planning**

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

#### **Traffic Engineering Operations**

- No comments received.

#### **Street Maintenance**

- No comments received.

### ***New Mexico Department of Transportation (NMDOT):***

- No comments received.

### **RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment shall include:

- a. None.

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**WATER UTILITY AUTHORITY**

**Utility Services**

No comments received.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

No comments received.

**Open Space Division**

Open Space has no adverse comments

**City Forester**

No Comments.

**POLICE DEPARTMENT/Planning**

Nearest Police Station – Old Town Community Substation, 2060 Central SW

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

No comments received.

**FIRE DEPARTMENT/Planning**

No comments received.

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	Nearest bus route is Route #53, Isleta route, is located 2000 ft east of the property on 8 <sup>th</sup> street.
Adjacent bus stops	Nearest bus stop, for Route #53, is also located at the intersection of 8 <sup>th</sup> /Iron approximately 2000' east of the property.
Site plan requirements	None.
Large site TDM suggestions	N/A
Other information	None.

## ***COMMENTS FROM OTHER AGENCIES***

### ***BERNALILLO COUNTY***

No comments received.

### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

### ***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

### ***MID-REGION COUNCIL OF GOVERNMENTS***

No comments received.

### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

No comments received.

### ***PUBLIC SERVICE COMPANY OF NEW MEXICO***

No comments.